

ENFORCEMENT INITIATIVE IMPLEMENTATION PLAN

DEPARTMENT OF PESTICIDE REGULATION

(March 31, 2000)

Program Component	Summary	Statutory	Fiscal	Policy	Regulatory	Status
Planning & Evaluation						
A. Funding	Conduct a comprehensive study (state and county) of all existing and potential revenue streams, inequities and recommend feasible long-term stable funding for the pesticide regulatory program (V.A.1, pg. 28).	Required in 2002				Next 13 -36 months. Initiate during Mill Assessment funding review in 2001.
B. Enforcement	Augment staff to support investigative functions including PCP and Mill Assessment Receipt case development; and establish a Border Issues Manager position (III.A.5, pg.20; III.B.1, pg. 20; & V.B.1, pg. 30).		Fiscal Impact			Pending SSI and Border Issues Mgr. effective 7-1-00.
	Clarify enforcement roles and responsibilities of DPR and CAC staff (III.A.1, pg. 19).			Negotiate an MOU between DPR/CACASA		Develop policy; initiate May 2000
	Improve ability to enforce pesticide drift laws and regulations (X.A.3, pg. 50); Analyze episode trends associated with pesticide drift (X.C.1, pg. 51); Develop protocols for responding to complaints (X.C.1, pg. 51); consider use restriction changes, and monetary penalties (X.C.4, pg. 51).			Revise policies fall 2000	Propose changes by fall 2000.	Initiate discussions in spring 2000.
	Ensure relevant parties are interviewed during an investigation and conducted in such a manner as to prevent retaliation (XI.C.1, pg. 57).			Review investigative procedures; revise current investigative policies.		Revise procedures by March 2001.

BCP - Budget Change Proposal
CAC - County Agricultural Commissioner
CACASA - California Agricultural Commissioners and Sealers Association
3CCR - Title 3, California Code of Regulations
CEQA - California Environmental Quality Act
DIR - Department of Industrial Relations
DPR - Department of Pesticide Regulation
EMPM - Environmental Monitoring & Pest Management
ITO - Information Technology Office
MAD - Mill Assessment Disbursement
MOU - Memorandum of Understanding

OPPCI - Office of Policy Planning & Continuous Improvement
PCP - Product Compliance Program
PISP - Pesticide Illness Surveillance Program
PUE - Pesticide Use Enforcement
PUR - Pesticide Use Reporting
ROs - Regional Offices
SOP - Standard Operating Procedure
SSI - Senior Special Investigator
TMDL - Total Maximum Daily Load
WHS - Worker Health & Safety

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C. Technology	Continue to pursue additional resources for, training on and feasibility studies in support of, the acquisition, installation, and maintenance of an adequate technology infrastructure (VI.A.1, pg. 30).				Completed	Completed (Timeline described in Compliance Database Project & DPR's Information Technology (ITSP) Strategy Plan.)
	Accelerate the development, standardization, and use of data collected by DPR including expanding the current civil penalties database to include data elements for all enforcement and compliance actions (VI.B.2, pg. 31); Continue to improve the quality of the civil penalties database (VI.B.1, pg. 31 & VI.B.3, pg. 33). Maximize public access by migrating existing program information, documents and databases to the Web-site (VII. B. 2, pg. 36). [(Compliance Database Project - Incorporate into the ITSP a long-term plan to make the extensive data gathered by the pesticide regulatory program readily available to the public.)		Possible fiscal impact			Civil penalties database to be revised during fourth quarter 2000. Migration to Web-site during fourth quarter 2000.
D. CEQA	Initiate a comprehensive review of DPR's CEQA functional equivalency (IV.A.1, pg. 21). Comprehensive review and revision of policies to identify sensitive sites (X.A.1, pg. 50); options to improve the permit, including Notice of Intent (X.A.2, pg. 50); and frequency of site visits (X.C.3, pg. 51).	Dependent on findings.	Possible fiscal impact.	Revision of policies and procedures, and training materials.	Dependent on findings or changes in statute.	Long-term project - Initiate in July 2002.
E. Continuous Improvement	Augment staff to incorporate technical and analytical expertise (VI.C.1, pg. 33).		Phase I: 2000/01 underway. Phase II: possible fiscal impact.			Effective July 1, 2000.

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	<p>Establish a new program to provide continuous program evaluation and improvement in the State and county pesticide use enforcement programs through ongoing research and analyses of goals, priorities, and performance indicators (IX.E.1, pg. 47).</p> <p>Incorporate policies and procedures into the guidelines used by DPR to evaluate county programs, promote consistency in enforcement actions and establish accountability (VIII.A.2, pg. 40; VIII.B.1, pg. 41 & IX.A.1, pg. 44); Guidelines will include audits of inspection records to determine if appropriate fines have been levied or other sanctions have been imposed for violators (VIII.B.2, pg. 42); develop performance measure plan.</p> <p>[Augmentation needed to evaluate continuously emerging issues in enforcement (VII.C.1, pg. 38).]</p> <p>Program will incorporate recommendations of the MAD and Effectiveness Evaluation teams (IX.A.1, pg. 44); conduct a study to identify objective performance measures for effectiveness evaluations (IX.A.1, pg. 44); increase the number of annual compliance assessments and conduct an in-depth review of county programs (IX.C.1, pg. 46; IX.D.1, pg. 46); improve the State and county pesticide use enforcement programs through ongoing research and analyses of goals, priorities, and performance indicators (IX.C.1, pg. 46).</p>			Phase I: Adopt DPR Prioritization Plan; Negotiated Work Plans; Effectiveness Evaluation Guidelines (implement July 2001).	Phase I: Amend Title 3CCR "Effectiveness Evaluations."	<p>All activities underway - initial implementation July 2000.</p> <p>Phase II: Guidelines completed by July 2001.</p>
	Initiate a project to address illegal sales of pesticides from Internet and mail order sources (II.A.1, pg. 17).			Enforcement policy.		Study issue and consider changes in regulation, public education, and outreach. Underway - Issue paper due December 2000.
	Conduct a study to assess the training needs of State and county pesticide enforcement staff (III.A.2, pg. 19). (Coordination between Enforcement, WH&S, ITO, and EMPM to facilitate training.)		Possible fiscal impact.			Initiate by September 2000

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	Establish curriculum and provide training to State and county pesticide enforcement staff (X.B.1, pg. 51); Curricula may include participation in a professional exchange program; knowledge of available IT resources and the skills to use the information (VI.D.1, pg. 33); customer service and communication classes (VII.B.3, pg. 36); an understanding and knowledge of the CEQA functionally equivalent program (X.B.1, pg. 51).		Possible fiscal impact.			Update based on study.
	Enhance recruitment and hiring of bilingual inspectors (XI.A.4, pg. 53).		Possible fiscal impact.			Initiate survey to determine resource needs in August 2000
	Study the costs involved in making translators available to CAC staff who conduct investigations (XI.C.5, pg.58).					May be included in survey regarding bilingual inspectors.
	Create an Enforcement Innovator Award and Grants Program (VIII.D.1, pg. 42).					Initiate Award by April 2001.
Policy						
F. Update Policies	Purge outdated and unnecessary written guidelines and consolidate, clarify, and cross-reference those that remain. Require all policies and procedures to be reviewed on a regular cycle, and amend or rescind as needed (VIII.A.1, pg. 40).					Review current guidelines by January 2001. Post Enforcement Letters on Website by June 2000
	Complete the project to submit an executive order to replace D-15-83 (I.A.1, pg. 15).					Long-term project- Initiate January 2001.
	Establish a systematic process for review of existing memoranda of understanding and agreement (I.B.1, pg. 16).					Establish procedure by November 2000
	Evaluate existing advisory committees. Eliminate redundancy, consolidate committees, and clarify respective roles (I.B.2, pg. 16).	Possible legislative proposal.		Review policy.	Regulatory proposal out June 2000	
G. Strengthen Authority	Propose legislation making it unlawful for any person to prevent, delay, or refuse to permit any audit, inspection, sampling, or testing to be conducted by State or county personnel (IV.B.1, pg. 22).	Legislative Proposal 2001			Possible change in regulation.	2001

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	Propose legislation to conform criminal and civil prosecution penalties for pesticide violations for all divisions of the code, and authorize CACs to levy administrative penalties for violations (IV.D.1, pg. 23).	Legislative Proposal 2001		Phase I: Review of DPR/CACASA roles		2001
	Propose legislation to authorize the Director to file a misdemeanor charge against anyone ordering a farm worker to violate provisions of the pesticide laws (IV.D.3, pg. 24).	Legislative Proposal 2001				2001
	Propose legislation to make it unlawful for any person to refuse or neglect to pay a civil penalty. Allow the CACs to refuse, revoke, or suspend a permit for a failure to pay a civil penalty IV.D.4, pg. 24).	Legislative Proposal 2000	Possible fiscal impact.		Phase II: Possible need if bill enacted	Underway
	Authorize DPR or the CAC to place conditions on a license or registration in addition to being able to refuse, revoke, or suspend these licenses or registrations (IV.D.6, pg. 25).	Legislative Proposal 2001			Phase II: Possible need if bill enacted	2001
	Study the need for authority to refuse or revoke an Operator I.D. for violations or negligence (X.C.5, pg. 51).					Initiate study 36-months
	Conduct a comprehensive study of issues surrounding home and garden use of pesticides (IV.E.1, pg. 26).		Develop BCP based on initial phases of TMDLs	Study		Long-term; Phase I: Initiate study - consider possible contract with UC IPM.
	Work with DIR to strengthen the prohibition of employer retaliation (XI.B.5, pg. 56). [Evaluate procedures and research other labor statutes as appropriate.]			Study		Coordinate with DIR; March 2001
H. Civil Penalties	Propose legislation to raise the maximum administrative penalty to an amount perceived as a significant deterrent by the regulated community (IV.D.2, pg. 23); Allow use of corrective training as an additional enforcement tool in conjunction with an administrative penalty (IV.D.7, pg. 26).	Convene a workgroup to scope legislation		Study		Long-term 2002.

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	Promote consistency in enforcement actions; guidelines must attempt to ensure the punishment consistently fits the violation (VIII.B.1, pg.41).			(Note: Effectiveness Evaluations are based in part on adherence to the Enforcement Guidelines.)		Completed according to Enforcement Guidelines established in 1995
I. Director's Authority	Enact legislation authorizing DPR to convene and lead a trial board to decide on decertification and removal of CACs (IX.F.1, pg. 48).	Legislative Proposal 2000.				Underway
	Enact legislation authorizing the Director to levy administrative civil penalties when CAC takes no action, DPR disagrees with the action, or violators operate statewide (IV.D.5, pg. 25).	Convene a workgroup		Phase II: Review or revise Enforcement Guidelines	Phase II: Possible need if bill enacted	2001
J. SPCB	Participate in the next cycle of sunset review on the SPCB (III.A.4, pg. 20).					Phase I: completed, ongoing.
Customer Service						
K. Outreach	Adopt a mission statement to serve all customer, regardless of occupation, community standing, or pesticide bias with respect, patience, and due diligence (VII.A.2, pg. 35); Adopt an environmental justice mission statement intended to ensure fair treatment of all people of all races, cultures, and income levels (VII.A.1, pg. 35).					Underway - draft policy by November 2000.
	Encourage, support, and facilitate occasional community forums hosted by the CAC to address local issues of importance (VII.B.5, pg. 37); ensure public participation in development, adoption, and implementation of laws and policies (VII.B.1, pg. 36).		Possible fiscal impact.	Phase II: Create new program component		Underway - policy statement by December 2000.
	Study the cost effectiveness of various outreach approaches, and explore ways to assist the counties to select the most efficient outreach elements and gain new resources for this purpose (VII.B.6, pg. 37).					Ongoing - Associated with continuous evaluation of program; consider focused activity in negotiated work plans.

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	Make every effort to be responsive to public requests when complying with formal Public Records Act requests (VII.D.1, pg. 38); and make publicly available all standard protocols, including drift complaint procedures (X.C.1, pg. 51).			Phase I: Review existing policy; clarify types of public records; Establish a model policy which CACs may adopt at their discretion.		December 2000
	Make CAC evaluations readily available to each Board of Supervisors and the public; as requested (IX.B.2, pg. 44). Dedicate staff to work with CACs (IX.F.2, pg. 48).					Underway and ongoing.
	Augment staff to enhance training for industries using antimicrobial products to improve their understanding of the pesticide regulatory requirements and allow employers to make the proper safety decisions (XI.C.3, pg. 57).		Possible fiscal impact.			Underway and ongoing.
L. Public Service	Ensure greater public participation in the development, adoption, and implementation of environmental regulations and policies (VII.B.1, pg. 36).					Underway
	Study options for DPR to facilitate external input concerning the pesticide use program (VII.B.7, pgs. 37 & 43).			Study		12 - months and ongoing
	Periodically conduct a survey of a random sample of people who have filed complaints to a CAC office to determine if they are satisfied with the CAC response (IX.B.1, pg. 44).			Study		Long-term and ongoing
	Evaluate the recommendations of the "People and Pesticides" team and incorporate, as appropriate, those findings into this work plan (VII.B.8, pg. 37).		Possible fiscal impact.			Underway - Evaluation by December 2000
	Study feasibility regarding a toll free complaint hotline staffed by bilingual operators; public can file complaints about pesticide use; and workers can file complaints about unsafe work practices (VII.B.4, pg. 36 & 53).		Possible fiscal impact.			Initiate study July 2001

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	Study the feasibility of making DPR enforcement offices reachable for emergencies 24-hours a day, 7 days a week and staffed with bilingual personnel (VII.B.4, pg.36).		Possible fiscal impact.			Initiate study July 2001

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Worker Health & Safety						
M. Occupational Safety	Augment resources to staff a "workplace evaluation response unit" to follow-up on complaints (XI.A.1, pg.53).		Possible fiscal impact Phase II: Prepare concept for Director May 2001			Phase I: Initiate study to determine resource needs December 2000
	Study the value and feasibility of creating a compliance assistance unit (IV.C.1, pg. 22 & XI.C.2, pg. 57).	May require legislation.	Additional resources needed.		May require rulemaking.	Initiate workgroup July 2001
	Investigate pesticide-related illnesses or injuries sufficiently to determine if mitigation measures are needed. Augment WH&S staff to provide occupational safety expertise for selected illness and injury investigations (XI.C.4, pg. 58). (Note: Many investigations lack necessary occupational safety information; CAC staff often lack the resources and equipment to collect appropriate information that allows WH&S to determine mitigation measures.)		Possible fiscal impact.	Phase I: Review policy/ guidelines for WH&S role in incident investigations; Phase II: Develop procedures.		Phase I: Underway; Phase II: March 2001
N. Illness Surveillance Program	Ensure that DPR has continued access to the Workers' Compensation records essential to the pesticide illness surveillance program (XI.B.1, pg. 54). (Note: Maintain access to Worker's Compensation Records; physician reporting alone not adequate.)	Phase II: Leg concept (if needed)		Phase I: Establish written agreement with DIR to access records.		Phase I: Underway; Phase II: May 2001 (if needed)
	Study options and feasibility of improving the reporting of pesticide illnesses, including funding CA Poison Control Centers, legislation to strengthen the physician reporting law and requiring employers to report (XI.B.2, pg. 55; XI.B.3, pg.55, XI.B.4, pg. 55). (Note: Physician reporting is incomplete and inadequate; need to improve illness reporting.)	Phase II: Leg concept depending on study findings	Phase II: Possible fiscal impact based on study findings			Phase I: Study options to improve illness reporting, underway; Phase II: May 2000

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O. PISP Data Utilization	Increase awareness of PISP by increasing the visibility of the data, which may increase physician compliance (XI.D.1, pg. 53). (Note: Physicians and others interested parties concerned that results of pesticide illness reporting are not available.)		Possible fiscal impact.	Send yearly report to all physicians; develop mailing list.		Cost analysis underway
	Augment resources to more fully analyze PISP data and use information that to improve the regulatory program (XI.D.2; XI.D.3; & XI.D.4, pg. 59).		Possible fiscal impact, prepare concept for Director.			May 2000 - DPR has approximately 20-years of illness data; resources are needed to evaluate and utilize.
P. Hazard Communication Notification	Study improvements to the notification regulations and hazard communications program (XI.A.3 & XI. A.6, pg. 53).			Phase I: Study options and feasibility.	Phase II: Possible 2001 regulatory changes	Phase I: Underway, WH&S and Enforcement are holding discussions with worker advocacy groups and CACs; development of a proposal and discussions with industry groups are needed.